

Notice of Allowability

Application No.

10/601,533

Examiner

Jennifer E. Novosad

Applicant(s)

MOON, JOHN PAUL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amdt. of October 22, 2004 and the telephone discussion of November 2, 2004.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 24 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>11-02-2004</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Laurence P. Hobbes on November 2, 2004.

It is noted that all changes made to the proceeding claims, are the changes applicant intended to make when the amendment of October 22, 2004 was submitted. *However*, applicant failed to properly submit the changes pursuant 37 CFR 1.121, where the claims should contain underlining for additions and brackets for deletions, as in claims 1, 12, 13, 21, 22, and 24. Also, claims 21 and 22, as submitted by applicant contained the incorrect status identifier, i.e., the claims were amended but the status identifier stated "original". *Thus*, to expedite proceedings, the Examiner has made the changes to the claims, as advanced below.

The application has been amended as follows:

Claim 1 has been re-written as follows:

Claim 1 (currently amended): A guard for restricting access to a rack of goods which comprises:

a horizontally expandable access-restricting cover having an open bottom, a left side to which is mounted a track means for engaging, and a right side to which is mounted a track means for engaging;

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a left extensible member comprising a track means for engaging which is engageable with the track means for engaging of said left side so as to slide, in a substantially vertical direction, said left extensible member from a retracted storage position to an extended use position;

a right extensible member comprising a track means for engaging which is engageable with the track means for engaging of said right side so as to slide, in a substantially vertical direction, said right extensible member from a retracted storage position to an extended use position; and

a horizontally expandable bottom member having a left end securable to a lower end of said left extensible member, and a right end securable to a lower end of said right extensible member.

Claim 12 has been re-written as follows:

Claim 12 (currently amended): The guard of claim 1 wherein at least one of said side-mounted track means for engaging comprises at least one pin including a shaft and a head and said extensible member associated with said side mounted track means for engaging includes [including] a longitudinal slot whose width exceeds the largest cross-sectional dimension of said shaft and is less than the width of said head, said extensible member being positioned between said side member and said head such that the shaft of said pin is located within said slot and said extensible member is secured to said side by said head, such that the extensible member can be extended in at least a downward direction.

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Claim 13 has been re-written as follows:

Claim 13 (currently amended): The guard of claim [2]12 wherein each said side-mounted track means for engaging comprises at least two of said pins.

Claim 21 has been re-written as follows:

Claim 21 (currently amended): The guard of claim [1]20 wherein said channel is padded.

Claim 22 has been re-written as follows:

Claim 22 (currently amended): The guard of claim [20]2 wherein a) the outer ends of the telescoping members are capped and/or b) each junction of the interior ends of the telescoping members is collared to increase friction between the interior ends of each junction.

Claim 24 has been re-written as follows:

Claim 24 (currently amended): A guard for securing a rack of goods which comprises:

an access-restricting left vertical side member to which is mounted an engageable track means for engaging;

an access-restricting right vertical side member to which is mounted an engageable track means for engaging;

an access-restricting front member at least partially disposed between or upon, and attachable to, said side members;

an access-restricting rear member at least partially disposed between or upon, and attachable to, said side members;

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an access-restricting upper member at least partially disposed between or upon, and attachable to, said side members;

a left extensible member comprising a track means for engaging which is engageable with the track means for engaging of said left vertical side member to permit sliding, in a substantially vertical direction, said left extensible member from a retracted storage position to an extended use position;

a right extensible member comprising a track means for engaging which is engageable with the track means for engaging of said right vertical side member to permit sliding, in a substantially vertical direction, said right extensible member from a retracted storage position to an extended use position;

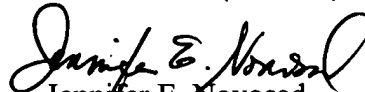
a bottom member having a left end securable to the lower end of said left extensible member, and a right end securable to the lower end of said right extensible member and further wherein said front member, said rear member, said upper member and said bottom member are horizontally expandable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703)-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

Jennifer E. Novosad/jen
November 2, 2004